



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,456	12/12/2001	Heinz-Dieter Beeck	22064	2533

535 7590 08/28/2002

THE FIRM OF KARL F ROSS  
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EXAMINER

DEL SOLE, JOSEPH S

ART UNIT	PAPER NUMBER
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1722

5

DATE MAILED: 08/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



# UNITED STATES PATENT AND TRADEMARK OFFICE

7C-5  
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

Paper No. 5

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment filed on 12/12/01 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on September 8, 2000 (see 65 Fed. Reg. 54603, Sept. 8, 2000, and 1238 O.G. 77, Sept. 19, 2000). In order for the amendment to be compliant, applicant must supply the following omissions or corrections in response to this notice.

THE FOLLOWING ITEMS ARE REQUIRED FOR COMPLIANCE WITH RULE 1.121 (APPLICANT NEED NOT RE-SUBMIT THE ENTIRE AMENDMENT):

- ☒ 1. A clean version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(ii).
- ☒ 2. A marked-up version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(iii).
- ☒ 3. A clean version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(i).
- ☒ 4. A marked-up version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(ii).

Explanation: \_\_\_\_\_

(LIE: Please provide specific details for correction to assist the applicant. For example, "the clean version of claim 6 is missing.")

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/dcom/olia/pbg/sampleaf.pdf>. A condensed version of a sample amendment format is attached.

- ☒ **PRELIMINARY AMENDMENT:** Unless applicant supplies the omission or correction to the preliminary amendment in compliance with revised 37 CFR 1.121 noted above within ONE MONTH of the mail date of this letter, examination on the merits may commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- ☐ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of ONE MONTH or THIRTY DAYS from the mailing of this notice, whichever is longer, within which to supply the omission or correction noted above in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Katherine Wenger  
Legal Instruments Examiner (LIE)

## SAMPLE AMENDMENT FORMAT

Conventional Heading Information  
for Amendment Supplied Here (Applicant, Appl. No., etc)

### AMENDMENT

Sir:

In response to the Office action of October 10, 2000, please amend the above-identified application as follows:

#### In the Specification:

Please replace the paragraph beginning at page 5, line 15, with the following rewritten paragraph:

-- In this construction the electric heating elements are positioned directly beneath the iron grid bars and melted fat is carried off in grooves formed in the upper surfaces of the bars. --

#### In the claims:

Please cancel claim 6.

Please amend claim 7 as follows:

7. (Amended) A griller as claimed in claim 1 wherein the power consumption of the heater element is 1250 watts and the weight of the grill member is about 3.5 kg.

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### REMARKS/ARGUMENTS

Claims 1-5 and 7-10 remain in this application. Claim 6 has been canceled. Claim 7 has been amended.

Claims.....

.....  
Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

SIGNATURE \_\_\_\_\_

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### VERSION WITH MARKINGS TO SHOW CHANGES MADE

#### In the specification:

Paragraph beginning at line 15 of page 5 has been amended as follows:

In this construction the electric heating elements are positioned directly beneath the iron grid bars and melted fat is carried off in grooves formed in the upper surfaces of the bars.

#### In the claims:

Claim 6 has been canceled.

Claim 7 has been amended as follows:

7. (Amended) A griller as claimed in claim 1 wherein the power consumption of the heater element is 1250 ~~1600~~ watts and the weight of the grill member is about 3.5 kg.

# **SUMMARY OF § 1.121 AMENDMENT CHANGES**

- All amendments filed March 1, 2001 (or later) must comply with revised 37 CFR 1.121

## **RULE 1.121 REQUIREMENTS:**

- Changes to specification/claims must be made by replacement of entire paragraphs/sections/claims
- Applicants must provide (a) a clean version of an amended paragraph or section or claim and (b) a marked-up version of the same paragraph or section or claim showing changes
- Clear instructions must be provided for the location of the amendment entry (e.g., paragraph number, page/line number)
- Deletion/Addition of paragraph/claim only requires an instruction to delete/add - no marked-up version required for deleted/added items

## **ENTRY GUIDELINES:**

- ENTER ONLY THE CLEAN VERSION (wherever it is) as an insert
- NO ENTRY OF SINGLE WORDS OR PARTIAL PARAGRAPHS OR CLAIMS
- Section heading may be entered (e.g. "SUMMARY OF INVENTION") as an insert
- DO NOT ENTER REPLACEMENT PAGES
- Examiner's Amendments may continue to use old practice of instructing entry of several words
- Portions of faxes or printed e-mails having full or partial replacement paragraphs/claims may be attached to an Examiner's Amendment

## **TREATMENT OF NON-COMPLIANT AMENDMENTS:**

- If non-compliant (e.g., either the clean version or the marked-up version is missing), LIE should send a form letter notifying applicant that amendment is non-compliant (attach informational flyer)
- See SPE/Exr. If amendment entry is questionable
- If amendment is not entered and letter noting the informality is mailed, use PALM 1632 (+MRD) to re-start response period

# Changes to the Patent Rules

October 20, 2000

Volume 1, Issue 3

This is the third in a series of Patent News Bulletins to assist you in keeping up to date with significant rule changes which affect your area. Keep this copy to use as a bookmark for your present MPEP, or view this bulletin again on the USPTO Website.



## Simplified Amendment Practice. Replacement paragraphs/sections/claims to be used. 37 CFR 1.121

The rule package "Changes to the Patent Business Goals - Final Rule," published in the Federal Register on September 8, 2000, 65 Fed. Reg. 54603 (Sept. 8, 2000), and the Official Gazette on September 19, 2000, 1238 Off. Gaz. Pat. Office 77 (September 19, 2000). The PBG rule package makes a number of revisions to Title 37.

The entire final rule may be found at the USPTO Website at <http://www.uspto.gov/web/offices/dcom/ola/pbg/index.html>.

Areas and individuals primarily affected by this rule change include:  
(1) Patent Examiners and Tech Support Staff in the Technology Centers  
(2) Office of Patent Publication

Any questions related to this change in practice should be directed to Joe Narcavage, Special Projects Exr., (703-305-1795) or Liz. Dougherty, Legal Advisor, (703-306-3156) OPLA.



Mandatory compliance with the revised rule is not required until March 1, 2001. It is suggested that applicants adopt the revised procedures on or after November 7, 2000, in order to adjust to the changes in amendment practice.

Under the new amendment practice, amendments to the specification must be made by the submission of clean new or replacement paragraph(s), section(s), specification, or claim(s). This practice will provide a specification (including claims) in clean, or substantially clean, form that can be effectively captured and converted by optical character recognition (OCR) scanning during the patent printing process.

The new practice requires applicant to provide, in addition to the clean version of a replacement paragraph/section/claim, a marked-up version using applicant's choice of a conventional marking system to indicate the changes, which will aid the examiner in identifying the changes that have been made. The marked-up version must be based on the previous version and indicate (by markings) how the previous version has been modified to produce the clean version submitted in the current amendment. The term "previous version" means the version of record in the application as originally filed or from a previously entered amendment.

The following format is suggested in an amendment paper: (1) a clean version of each replacement paragraph/section/claim with clear instructions for entry; (2) starting on a separate page, any remarks/arguments (37 CFR 1.111); and (3) starting on a separate page, a marked-up

version entitled "Version with markings to show changes made."

Applicants will also be able to submit a clean set of all pending claims, consolidating all previous versions of pending claims from a series of separate amendments into a single clean version in a single amendment paper. This submission of a clean version of all of the pending claims will be construed as directing the cancellation of all previous versions of any pending claims. No marked-up version will be required to accompany the clean version where no changes other than the consolidation are being made.

*Amendment by  
paragraph/claim  
replacement in clean form.*

The amended rule encourages issuance of applications with an examiner's amendment without practitioners/applicants having to file a formal amendment. Additions or deletions of subject matter in the specification, including the claims, may continue to be

made in an examiner's amendment at the time of allowance by instructions to make any change at a precise location in the specification or the claims. An examiner's amendment may incorporate a printed copy of a fax or e-mail amendment submitted by applicant. Only that part of the e-mail or fax directed to a clean version, or a portion of, a paragraph/claim to be added should be printed and attached to the examiner's amendment, with a paper copy of the entire e-mail or fax being entered in the file. The electronic version of the e-mail is not required to be saved once the printed e-mail (and any attachments) becomes part of the application file record.

MPEP 714+ & 1302.04